

REMARKS

Claims 23 to 42 are pending in this application. None of the claims have been allowed.

At the top of page 2 of the Requirement, the Examiner states:

Upon closer examination of the instant claims, it was found that a restriction should have been made because the general chemical formula lacks unity of invention.

The inadvertent error is sincerely regretted and the examiner apologizes for any inconvenience this may have caused applicants.

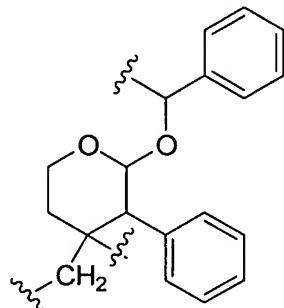
At the middle of page 2 the Examiner indicates that the invention lacks unity of invention. In particular, the claims are directed to more than one species of a generic invention and these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner states that the common core (of Formula I) is not a significant structural element and the common core is also not a novel feature over the prior art.

Applicants respectfully traverse. Appendix B of the Administrative Instructions under the PCT, subpart (f) "Markush Practice", states in part:

In this special situation, the requirement of a technical interrelationship and the same or corresponding special feature as defined in Rule 13.2, shall be considered to be met when the alternatives are of a similar nature.

- (i) When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:
 - (A) all alternatives have a common property or activity, and
 - (B)(1) a common structure is present, i.e., a significant structural element is shared by all of the alternatives, or
 - (B)(2) in cases where the common structure cannot be the unifying criteria, all alternative belong to a recognized class of compounds in the art to which the invention pertains.

In the present instance (A) and (B)(1) are met. That is all of the compounds have a common activity as tachykinin antagonists, and all share a significant structural element:



The Examiner requires applicants to elect a single species to which the claims will be restricted if no generic claim is finally held to be allowable. Moreover, the Examiner requires applicants to identify each of the claims readable on the elected species.

In response applicants elect the species of Example 1, disclosed at page 27. This species is the first compound of Claim 37. Applicants have added Claim 42 which is specifically directed to this elected species. The claims that read on this species are as follows: 23-29, 31, and 33-42.

Having addressed the outstanding requirement, Applicants respectfully request early examination and allowance of the claims. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,

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